

REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested.

Claims 19-38 are pending.

The indication of allowable subject matter with respect to claims 20-22 and 28-35 is noted with appreciation.

Claims 19, 23-27, and 36-38 are patentable over Bonomi et al. (U.S. Patent 6,769,127) in view of Mulligan et al. (U.S. Patent 5,937,161)

The rejection of claims 19, 23-27, and 36-38 under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Mulligan is hereby traversed. There are at least four reasons the claimed subject matter is patentable over the applied combination of references.

Bonomi fails to join the automaton to an existing session

First, Bonomi fails to disclose, teach, or suggest a teaching of a manager system configured to join an automaton to an existing network communication session as claimed in claim 19. As the Office Action fails to specify which elements of Bonomi are believed to read on the claimed subject matter, Applicants assume the Office Action intends to rely on the media management unit 204. The PTO is requested to specify with particularity which portion of Bonomi is intended if Applicants' assumption is incorrect. Bonomi fails to describe or suggest joining media management unit 204 to an existing network communication session. Media management unit 204 is described as receiving "digital media content from the media receiving unit 202 and serves to manage the delivery and storage of the media content through use of a media management system 205." Bonomi at column 8, lines 36-40. Further, the "media management unit 204 can support live delivery, Near Video On-Demand (NVOD) delivery, or Media On-Demand (MOD) to subscribers over a network." Bonomi at column 8, lines 40-42. However, Bonomi fails to describe, teach, or suggest joining the media management unit 204 to an existing network communication session. Rather, Bonomi discloses only that media management unit 204 serves digital media content to subscribers. For at least this reason,

withdrawal of the rejection is respectfully requested.

Bonomi fails to include a network communication session between an endpoint entity and a contact center

Second, Bonomi fails to disclose, teach, or suggest a teaching of an existing network communication session between an endpoint entity and a contact center. As requested above, the PTO is again requested to specify with particularity which portion of Bonomi is intended to read on the claimed subject matter. Bonomi describes a mechanism for serving digital media content from a media delivery center to a client machine. Bonomi at column 8, line 31. Bonomi describes delivery occurring between the media delivery center and the client machine and fails to describe adding an automaton to the deliver connection. Assuming, as described above, that media management unit 204 is intended to be read as the automaton, applicants fail to understand to which existing network communication session between the client machine and the media deliver center the media management unit is being connected as the media management unit appears to already be connected with the client machine. For at least this reason, withdrawal of the rejection is respectfully requested.

Bonomi fails to join the automaton responsive to receipt of an invitation to join

Third, Bonomi fails to disclose, teach, or suggest a teaching of joining an automaton to an existing network communication session responsive to receipt of an invitation to join the session as claimed in claim 19. Applicants have reviewed the PTO-cited portion of Bonomi and fail to understand the assertion that Bonomi includes functionality to join an automaton responsive to receipt of an invitation to join an existing session. Media management unit 204 is already connected to the client machine and there is no invitation to join a session provided to the media management unit. The Near Video On-Demand and Media On-Demand delivery are provided to subscribers to which the media management unit is already connected and therefore there does not appear to be a need for an invitation to join to be issued. For at least this reason, withdrawal of the rejection is respectfully requested.

Lack of a prima facie case of obviousness

“When an obviousness determination is based on multiple prior art references, there must be a showing of some ‘teaching, suggestion, or reason’ to combine the references.” Winner International Royalty Corp. v. Wang, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). The Examiner has failed to make such a showing supporting the applied combination of references and therefore the applied combination of references is improper. The Examiner is in error for any of the above reasons and has not made out a prima facie case of obviousness, and the rejection of claim 19 should be withdrawn.

Contrary to the PTO’s assertion, Bonomi and Mulligan are not in the same field of endeavor and would not be combined by a person of ordinary skill in the art. Bonomi is directed to a media delivery system, i.e., a video delivery system, and Mulligan is directed to a system for email forwarding. These are very different systems having differing timing and responsiveness requirements and are not in the same field of endeavor. It is not understood why a person of ordinary skill in the art at the time of the present invention would have looked to an email forwarding system for assistance in a delivery controller for a media delivery system.

Further, the selection of the generic recitation in Bonomi of “improving approaches to configuration, management and operation of a media delivery system” fails to identify any rationale for combining Bonomi with Mulligan. For at least this reason, withdrawal of the rejection is respectfully requested.

Based on the foregoing, the rejection of claim 19 is respectfully requested to be withdrawn.

Claims 23-27 depend, either directly or indirectly, from claim 19, include further important limitations, and are patentable over the applied combination of references for at least the reasons advanced above with respect to claim 19 and the rejection is respectfully requested to be withdrawn. Claim 36 is patentable over the applied combination of references for at least reasons similar to those advanced above with respect to claim 19 and the rejection is respectfully requested to be withdrawn. Claims 37 and 38 depend from claim 36, include further important limitations, and are patentable over the applied combination of references for at least the reasons advanced above with respect to claim 36 and the rejection is respectfully requested to be withdrawn.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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